

ESTTA Tracking number: **ESTTA24384**

Filing date: **01/26/2005**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Advent Technology, Inc.
Granted to Date of previous extension	02/05/2005
Address	301 Brannan St.6th Floor San Francisco, CA 94107 UNITED STATES

Attorney information	Thomas D. Drescher Advent Technology, Inc. 301 Brannan St.6th Floor San Francisco, CA 94107 UNITED STATES tdresche@advent.com Phone:415-645-1044
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Applicant Information

Application No	75797416	Publication date	12/07/2004
Opposition Filing Date	01/26/2005	Opposition Period Ends	02/05/2005
Applicant	ICS Advent Corporation 6260 SEQUENCE DRIVE SAN DIEGO, CA 92121		

UNITED STATES

Goods/Services Affected by Opposition

Class 009. First Use: 19990712First Use In Commerce: 19990712

All goods and services in the class are opposed, namely: Industrial computers; single board computers; custom and ruggedized computers and chassis, computer telephony software; computer hardware, namely, input/output computer circuit cards, integrated circuit boards, and industrial computer peripherals and industrial rack-mount chassis for computers; computer hardware and computer software for data acquisition and control in the fields of IP telephony, telecommunications, voice processing, broadcasting and convergence, applied computing, medical and industrial automation; science and engineering software development tools; and computer communication and networking products, namely, parallel and PCMCIA communication cards, serial communication cards, synchronous communication cards, telephony cards, and ethernet transceivers, converters and adapters

Class 042. First Use: 19990712First Use In Commerce: 19990712

All goods and services in the class are opposed, namely: computer design services, namely, custom computer hardware and computer system design

Attachments

Notice of Opp to ICS ADVENT1.pdf (3 pages)

Signature

/thomas d. drescher/

Name

Thomas D. Drescher

Date

01/26/2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of U.S. Trademark Application No. 75/797416
Filed: September 13, 1999
For the Mark: ICS ADVENT
Published in *The Official Gazette* on December 7, 2004

ADVENT TECHNOLOGY, INC.,

Opposer,

v.

ICS ADVENT CORPORATION,

Applicant

NOTICE OF OPPOSITION

Opposition No. _____

Dear Sir or Madam:

Opposer, Advent Technology, Inc., a Delaware corporation, located and doing business at 301 Brannan St., 6th Floor, San Francisco, California 94107, believes it will be damaged by registration of the mark ICS ADVENT, the subject of U.S. Trademark Application Serial No. 75797416 being applied for by Applicant, ICS Advent Corporation, for use in connection with various computer hardware and software goods in Class 09 and certain computer design services in Class 42 (“Applicant’s Mark”). Accordingly, Opposer hereby opposes registration of Applicant’s Mark.

As grounds for this Opposition, Opposer asserts:

1. Opposer is the owner of Reg. No. 2517374, for computer software in the financial field and of Reg. No. 2760872 for various computer related services, both for the mark ADVENT, as well as of the following family of ADVENT marks:

ADVENT BROWSER REPORTING (Reg. No. 2319075)
ADVENT PARTNER (Reg. No. 2288132)
ADVENT SOFTWARE, INC. (Reg. No. 1490606)

ADVENT TRUSTEDNETWORK (Reg. No. 2521298)
ADVENT TRUSTEDNETWORK & Design (Reg. No. 2521299)
ADVENT WAREHOUSE (Reg. No. 2453617)
ADVENT INX (Reg. No. 2591241)
ADVENT OFFICE (Reg. No. 2559183)
ADVENT CORPORATE ACTIONS (Reg. No. 2808069)
ADVENT PACKAGER (Reg. No. 2760425)
ADVENT (logo) (Reg. No. 2793737)

All for use on and/or in connection with computer software and related services (collectively, the “ADVENT Marks”).

2. Opposer, through its related company, Advent Software, Inc., has used its ADVENT name and mark since at least as early as January 1990, long prior to Applicant’s alleged first use date of July 12, 1999. Thus, there is no issue as to priority.
3. On information and belief, Applicant no longer exists and, therefore, is not the owner of Applicant’s Mark, has no subsisting rights in Applicant’s Mark, and cannot on absolute grounds be granted a property right in a registration.
4. On information and belief, Applicant’s Mark has been abandoned and, therefore, having no substance as a mark, is not on absolute grounds proper for registration.
5. Applicant’s Mark so resembles Opposer’s Advent Marks mark as to be likely to cause confusion; therefore, registration of Applicant’s Mark should be refused, in light of Opposer’s prior use.
6. Opposer’s ADVENT mark is famous in its field as evidenced by Opposer’s consistent enforcement of its trademark rights both in the United States and internationally over many years and, therefore, should be given a broad scope of protection against virtually identical marks in overlapping and/or related fields of use, including Applicant’s Mark.
7. Opposer’s ADVENT mark is famous in its field, as evidenced by Opposer’s following international registrations:

ADVENT (CTM Reg. No. 145003)
ADVENT (Benelux Reg. No. 590641)
ADVENT (Canada Reg. No. 608949)
ADVENT (New Zealand Reg. No. 305849)
ADVENT (Norway Reg. No. 218488)
ADVENT (Switzerland Reg. No. 509.424)

8. In light of the fame of Opposer's ADVENT mark, registration of Applicant's Mark will dilute Opposer's rights in its mark and therefore injure the good will accompanying and symbolized by Opposer's Advent Marks.

WHEREFORE, Opposer Advent Technology, Inc. prays that U.S. Application Serial No. 75797416 be rejected and that this Notice of Opposition be sustained in favor of Opposer.

Please address all correspondence in this matter to Thomas D. Drescher, Esq., Trademark Counsel, Advent Technology, Inc., 301 Brannan St., 6th Flr., San Francisco, CA 94107, telephone 415-645-1044.

Dated: January 26, 2005

Respectfully submitted,

By: _____
Thomas D. Drescher, Esq.
Trademark Counsel
Advent Technology, Inc.
301 Brannan St., 6th Flr.
San Francisco, CA 94107